

In the Matter of ) Arizona Supreme Court  
 ) No. R-12-0020  
PETITION TO ADD RULE 38(j), )  
REGARDING ADMISSION TO THE )  
STATE BAR OF ARIZONA )  
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 ) **FILED 12/10/2012**

A petition having been filed proposing to authorize temporary admission of qualified spouses of military service members to the practice of law in Arizona while the military service member is stationed in Arizona, and comments having been received, upon consideration,

DATED this 10th day of December, 2012.

REBECCA WHITE BERCH  
Chief Justice

TO:

Rule 28 Distribution

Mary Reding

Katherine Barry

Erin Brockhoff

Mary T Scott

Christine Bacon Abramowitz

Elaine Rose O'Hara

Peter A Winkler

John A Furlong

William J O'Neil

John J Tuchi

James N Drake Jr

## ATTACHMENT\*

### Rule 38. Special Exceptions to Standard Examination and Admission Process

(a)-(h) [No change in text.]

#### **(i) Military Spouse Temporary Admission.**

1. Requirements. An applicant who meets the requirements of (A) through (N) of this paragraph (i)(1) (“Applicant”) may, upon motion, be admitted to the temporary practice of law in this jurisdiction. The Applicant shall:

A. have been admitted by bar examination to practice law in another jurisdiction in the United States or territory;

B. hold a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation;

C. submit evidence of achieving the passing score established in this jurisdiction for the Multistate Professional Responsibility Examination;

D. establish that the Applicant is currently an active member in good standing in at least one jurisdiction where admitted, and establish that the Applicant is a member in good standing in all jurisdictions where admitted;

E. establish that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

F. establish that the Applicant possesses the character and fitness to practice law in this jurisdiction;

G. submit evidence that the Applicant has successfully completed the course on Arizona law described in Rule 34(j);

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\* Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

H. submit evidence that the Applicant is a dependent spouse of a service member of the United States Uniformed Services as defined by the Department of Defense;

I. submit evidence that the service member is on full time, active duty pursuant to military orders in the State of Arizona;

J. submit evidence that the Applicant is residing in Arizona due to the service member's full time, active duty pursuant to military orders in this state;

K. submit character investigation information, in a manner established by the Court, including all required supporting documents;

L. not have failed the Arizona bar examination or failed to achieve the Arizona scaled score on the uniform bar examination administered within any jurisdiction within five years of the date of filing an application under this rule;

M. not have been previously denied admission to the practice of law in Arizona;

N. agree to advise all clients, prior to providing representation or services, that the attorney is temporarily admitted under the military spouse exception.

2. Duration and Renewal.

A. A temporary admission will be valid for one year from the date of issuance, unless terminated earlier pursuant to paragraph (5).

B. An attorney admitted under this rule may annually renew a temporary admission upon:

- i. filing a written request for renewal;
- ii. paying a \$300 application fee.

3. Continuing Legal Education. No later than six months following the attorney's temporary admission, the attorney shall certify completion of at least fifteen hours of continuing legal education on Arizona practice, procedure, and ethics. The

attorney shall also certify completion of at least fifteen (15) hours of such continuing legal education during each year for which a temporary admission is renewed.

4. Association of Local Counsel.

A. No attorney temporarily admitted under this rule may appear before any court, board, or administrative agency of this state unless the attorney has associated in that cause an attorney who is a member in good standing of the State Bar of Arizona (hereinafter called local counsel). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court, board, or administrative agency when the court, board, or administrative agency deems such appearance and participation appropriate. Local counsel associating with an attorney temporarily admitted under this rule in a particular cause shall accept joint responsibility with that attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

B. If the attorney temporarily admitted under this rule has not engaged in the active practice of law for at least five years cumulatively, the attorney shall be supervised by local counsel as defined above, who will be responsible to the court, the bar, the Supreme Court, and the client for all services the temporarily admitted attorney provided pursuant to this rule.

5. Termination.

A. A temporary admission shall terminate, and an attorney shall cease the practice of law in Arizona pursuant to that admission, unless otherwise authorized by these rules, 30 days after any of the following events:

i. the service member's separation or retirement from the United States Uniformed Services;

ii. the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the Department of Defense does not authorize dependents to accompany the

service member, in which case the temporary attorney may continue to practice law in Arizona as provided in this rule;

iii. the attorney's permanent relocation outside the state of Arizona for reasons other than the service member's relocation;

iv. the attorney's ceasing to be a dependent as defined by the Department of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Department of Homeland Security;

v. the attorney's failure to meet the annual licensing requirements for an active member of the State Bar of Arizona;

vi. the attorney's request;

vii. the attorney's admission to practice law in Arizona under any other admissions rule;

viii. the attorney's failure to achieve the Arizona scaled score on the uniform bar examination administered within any jurisdiction;

ix. the attorney's denial of admission to the practice of law in Arizona for violating ethical rules; or

x. notice by the Supreme Court at any time, provided that the Clerk of the Supreme Court shall mail a copy of the notice of termination to the attorney and associated local counsel.

B. An attorney whose temporary admission is terminated shall provide written notice to the State Bar of Arizona within thirty (30) days of the terminating event.

C. At least sixty (60) days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:

i. file in each matter pending before any court or tribunal a notice that the attorney will no longer be involved in the case; and

ii. provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.

6. *Benefits and Responsibilities of Temporary Admission.* An attorney temporarily admitted under this rule shall be entitled to the benefits and responsibilities of active members of the State Bar of Arizona, and shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the state bar.

7. *Record.* The State Bar of Arizona shall maintain a current record of all attorneys temporarily admitted under this provision and shall promptly provide such record upon request.